

Applicant: Hermann Grether
Application No.: 10/523,574

Amendments to Drawings:

The attached sheets of drawings includes changes to Figs. 1, 10a and 15.
These sheets replace the original sheets including Figs. 1, 10a and 10b and 15.

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 – 10, 12 – 32 and 34 and 35 are currently pending in this application. Claims 34 and 35 are new. Claims 11 and 33 were previously cancelled. In the specification, paragraph [0060] has been amended to replace the term “locked with one another” with “snap-fit together”. Paragraph [0060] has also been amended to point out that “the jet regulator 1 can be formed with a comparatively small housing diameter, even for high flow rates, at high pressures and high temperatures; in the known prior art, this was possible only in jet regulators having low flow rates, at low pressures and low temperatures”. This advantage was demonstrated to the examiner and Supervisor Tran during the April 27, 2009 in-person interview at the USPTO. In the drawings, Figures 1, 10a and 15 have been amended to correct the indication of reference numeral 22. Applicant submits that no new matter has been introduced into the application by these amendments.

Objections to the Drawings

The Examiner objected to the drawings for failing to show every feature of the invention specified in the claims. Replacement sheets, including Figures 1, 10a, 10b, and 15, which have been revised to correctly indicate the longitudinal webs 22,

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are submitted herewith. The withdrawal of the objection to the drawings is respectfully requested.

Double Patenting Rejection

Claims 1 - 10 and 12 - 32 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34 – 63, 66 and 67 of co-pending Application No. 10/519,572. A Terminal Disclaimer is submitted herewith thereby obviating the double patenting rejection. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

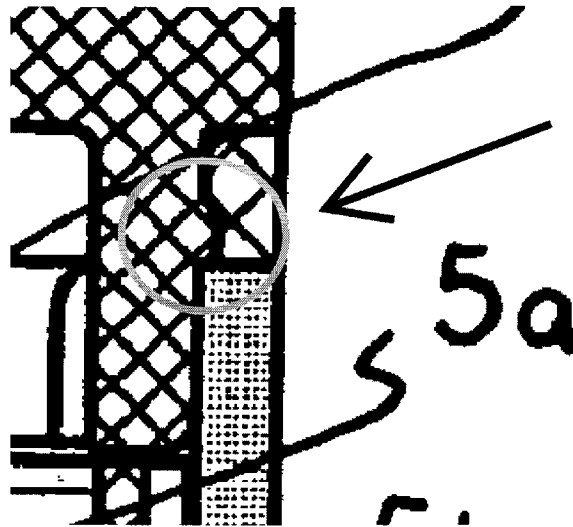
Claim Rejections - 35 USC § 112

Claims 1 – 10 and 12 – 32 were rejected under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. Specifically, the examiner states that the term “snap-fit” is not supported by the disclosure.

Applicant respectfully traverses the rejection.

Paragraph [0060] has been amended to replace the term “locked with one another” with the term “snap-fit together”. This amendment is supported by the original German language specification of the PCT application that recites the term “verrastbar” which translates to “snap-fit”. The amendment only serves to correct

the translation and does not include any new matter. Further support for a snap-fit is found in the drawings, specifically in Figs. 1, 14, and 16. An enlarged portion of Fig. 1, highlighting the snap-fit connection is reproduced below.



It is also noted that the amendment to claim 1 to include the term “snap-fit” was discussed during the in-person interview on April 27, 2009 at the USPTO with the examiner and was suggested by the examiner’s Supervisor, Len Tran.

Claim Rejections - 35 USC § 102(b)

The examiner rejected claims 1 – 10, 12 – 18, 21 – 26 and 32 under 35 U.S.C. § 102(b), as anticipated by German Utility Model DE 200 06 163 U1 to Wildfang, which is assigned to the same assignee as the present application.

Applicant respectfully traverses the rejection.

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Claim 1 recites, inter alia, first and second housing parts (7, 8), which are releasably connectable via a snap-fit connection with one another and a jet fractionating device, having through flow holes.

Wildfang, contrary to the examiner's assertion, does not show a jet fractionating device (2) as claimed. Applicant is very familiar with the device shown in Wildfang as the assignee, Neoperl GmbH, is the same company as Dieter Wildfang GmbH, which Mr. Wildfang founded. Applicant hereby states that Wildfang lacks any jet fractionating device. Wildfang shows a flow rectifying device (2), which one of ordinary skill in the art would not consider to be equated with the jet fractionating device (2) as claimed. The jet fractionating device as claimed separates the inflowing fluid flow into a multitude of individual jets. The flow rectifier of Wildfang is incapable of performing such a task.

Submitted herewith, as supporting evidence, are photos (Exhibit A) of the flow rectifier of Wildfang, (see photo W1), and the jet separating device as claimed (see photo G1). In use, as clearly shown in photo W2, with a flow rate of 2.2 gallons per minute (gpm) and at a pressure of 0.1 bar, the flow rectifier of Wildfang does not separate the inflowing fluid flow into a multitude of individual jets. What emerges is a single stream as contrasted with the jet fractionating device as claimed, also with a flow rate of 2.2 gpm, at a pressure of 5.5 bar, which provides multiple individual jets (see photo G2). Compare photo W2 with photo G2. The individual jets of the jet fractionating device as claimed, shown in photo G2, have an increased

speed thereby causing better mixing with air prior to contacting the mounted elements and then being recombined in a single aerated stream.

If the flow rate or pressure on the jet fractionating device as claimed were reduced, individual jets would still emerge. If the flow rate or pressure on the Wildfang flow rectifier is increased, there still would be no individual jets emerging therefrom, rather a single splashing stream.

Thus, the flow rectifier of Wildfang cannot be equated with the jet fractionating device as claimed.

Based on the arguments presented above and the supporting evidence submitted herewith, withdrawal of the Section § 102(b) rejection of claims 1 – 10, 12 – 18, 21 – 26 and 32 is respectfully requested.

Claim Rejections - 35 USC § 103(a)

Claims 27 – 31 were rejected under 35 U.S.C. § 103(a), as obvious over DE 200 06 163 U1 in view of Flieger, U.S. Patent No. 6,588,682.

Applicant respectfully traverses the rejection.

Claims 27 – 31 depend from claim1, which the Applicant believes is allowable over the cited prior art of record for the reasons provided above. It is also noted that Flieger fails to show a housing part having at least one soft or water-repellent water surface as is claimed in claim 27.

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Based on the arguments presented above and supporting evidence submitted herewith, withdrawal of the Section § 103(a) rejection of claims 27 – 31 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 – 10, 12 – 32 and 34 and 35, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Hermann Grether

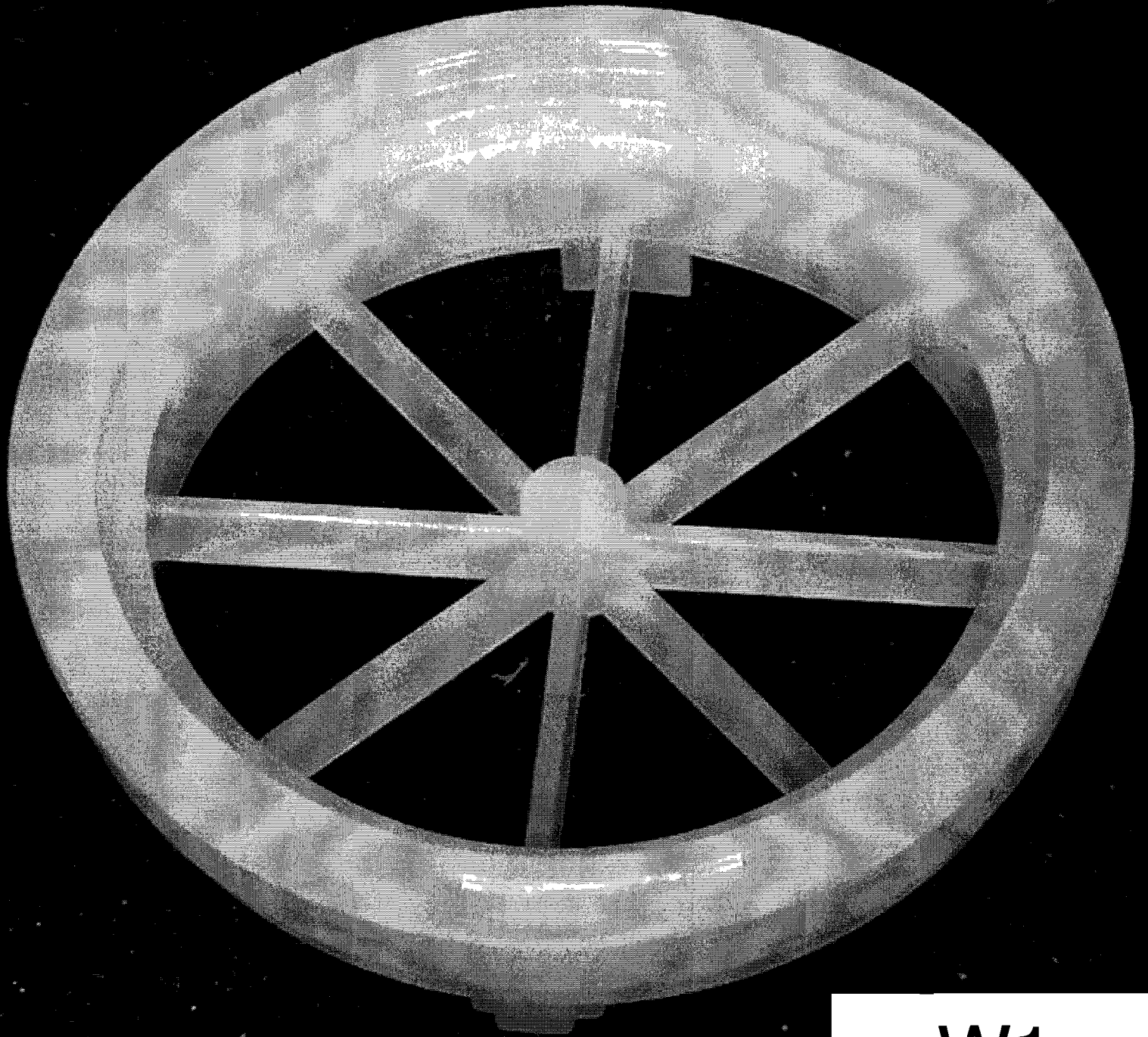
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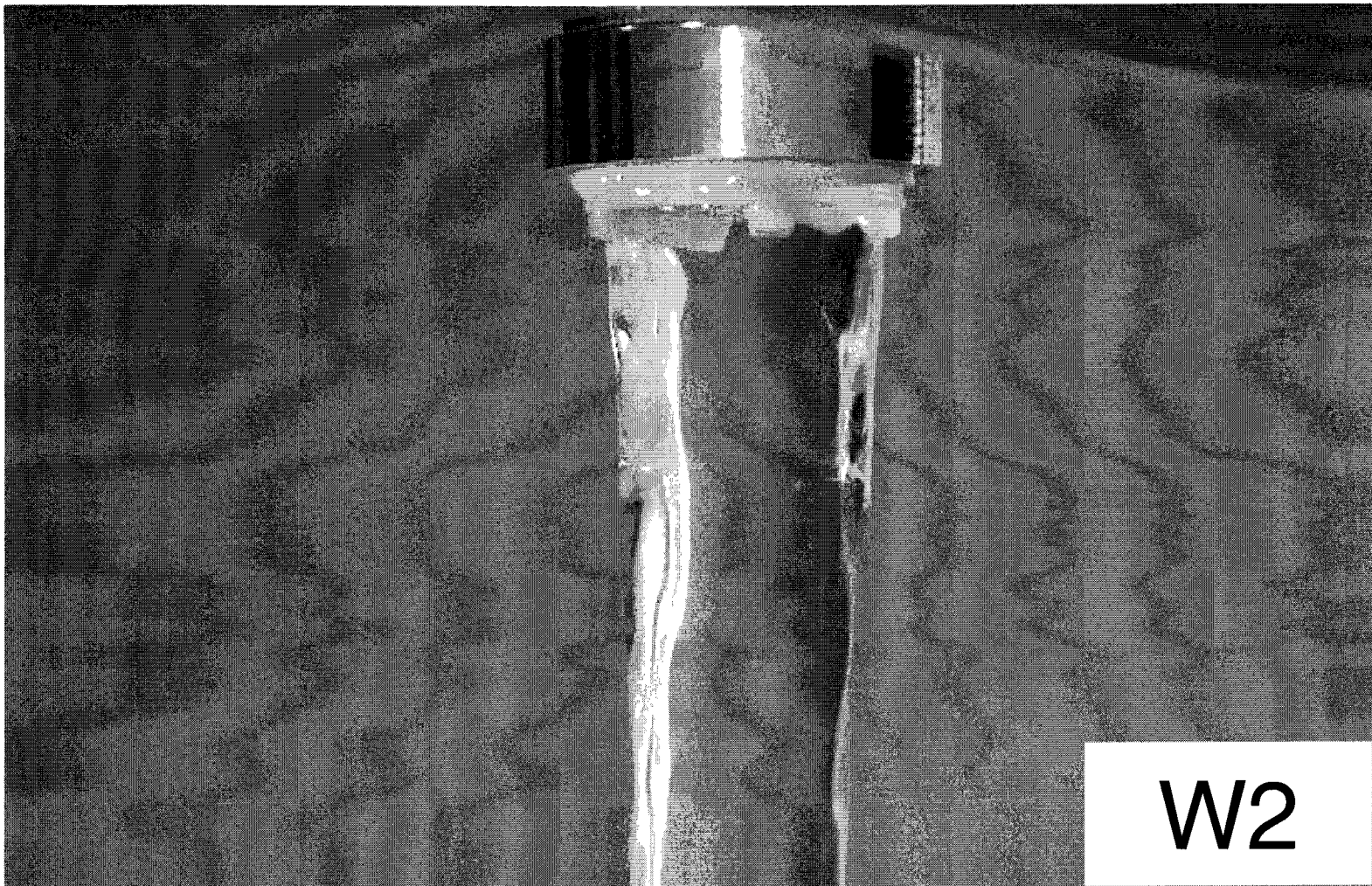
RJB/srp

Enclosures: 1. Drawing Replacement Sheets
2. Terminal Disclaimer
3. Exhibit A

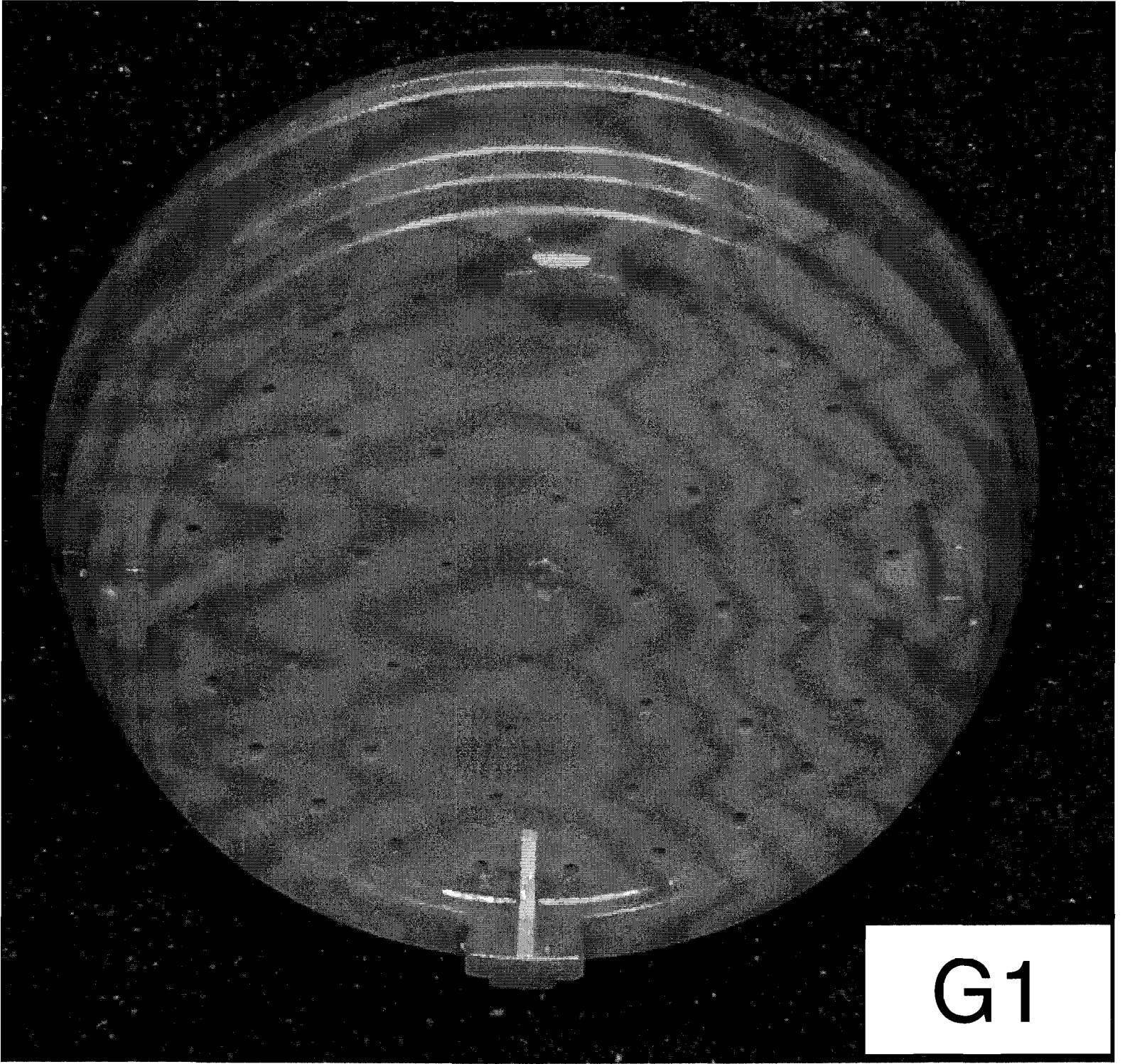
EXHIBIT A



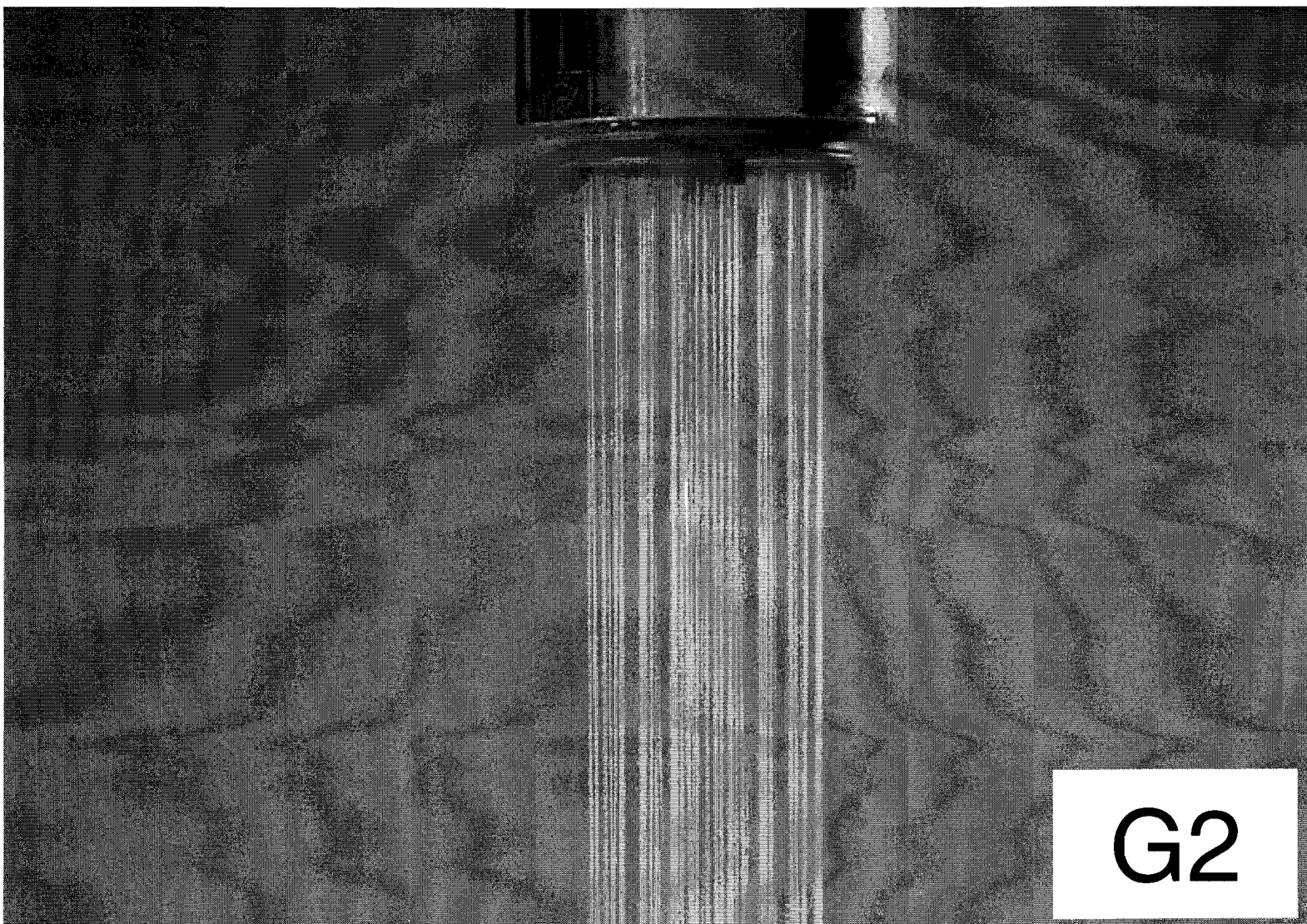
W1



W2



G1



G2